

Friday, 10 January, 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

On

Paper No. 640 - Request by the Accused
SATO for change of order for production of
witnesses with documents.

Paper No. 643 - Application by the
prosecution for leave to withdraw four (4)
reels of film entitled "Nippon Presents."

Paper No. 631 - Application by prose-
cution under 6b(1) of the rules.

Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal
and Member from the Common-
wealth of Australia.

Reported by:

Floy Ing Eder,
Philip Kapleau,

Court Reporters
IMTFE

Appearances:

For the Prosecution Section

MR. FRANK S. TAVENNER, JR.

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel
for the accused KIDO, Koichi;

MR. JOSEPH G. HOWARD, Counsel
for the accused KIMURA, Heitaro

For the Office of the General Secretary,
IMTFE:

MR. CHARLES A. MANTZ, Clerk of the
Court.

MR. H. W. VELLANEY, Deputy Clerk of
the Court.

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The Proceedings were begun at 0900.

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THE PRESIDENT: This is paper 640, request by the accused SATO for change of order for production of witnesses with documents. Who appears? Mr. Freeman?

MR. LOGAN: We have had transportation troubles this morning. Some of us have been able to get out, but the rest did not. I think this motion speaks for itself.

THE PRESIDENT: The order as prayed.

MR. LOGAN: There seem to be minor changes.

THE PRESIDENT: Will you take the responsibility of appearing for this?

MR. LOGAN: Yes.

THE PRESIDENT: On behalf of which counsel?

MR. LOGAN: For Mr. Freeman, for the accused SATO.

THE PRESIDENT: The next is paper 643. It is an application by the prosecution for leave to withdraw four reels of film entitled "Nippon Presents." It is court exhibit number 1765A, B, and C. Who appears?

MR. TAVENNER: Mr. Laverge.

THE PRESIDENT: The order as prayed.

MR. LOGAN: Is that the picture that was

shown?

MR. TAVENNER: Yes.

THE PRESIDENT: The next is paper 631, an application by the prosecution under 6B1 of the rules in respect of certain documents. Who appears?

MR. TAVENNER: I appear for the prosecution.

THE PRESIDENT: Mr. Tavenner for the prosecution?

MR. TAVENNER: Yes.

MR. LOGAN: These appear to be excerpts from various books written by OKAWA, and frankly, we haven't had an opportunity to go over these excerpts to date, but we don't want to hold the prosecution up to have them processed. Can we have an order entered to the effect that it be granted with the understanding that if later we desire excerpts, reasonable excerpts, from these books, the prosecution will process them for us?

THE PRESIDENT: Well, that is if they need them in the judgment of the President.

Order as prayed and on the understanding stated by Mr. Logan.

How do you come to be processing this type of paper at this hour, Mr. Tavenner?

MR. TAVENNER: At the time of the presen-

tation of that phase of the case a question came up -- do you recall? -- regarding the record in the trial of OKAWA. --

THE PRESIDENT: Yes.

MR. TAVENNER (Continuing): which necessitated the reprocessing of everything in regard to his testimony; so all the data regarding OKAWA both as to that trial and as to his books were postponed to be introduced at a later time, and this is the only appropriate time we had to do it.

THE PRESIDENT: When will you be presenting this?

MR. TAVENNER: I think about Wednesday of next week -- Tuesday or Wednesday or Thursday -- one of those three days.

THE PRESIDENT: Yes.

MR. TAVENNER: It would be done when we deal with individual defendants.

THE PRESIDENT: The proceedings are closed.

MR. LOGAN: There is one thing I want to bring up. I brought up some language questions with respect to KIDO'S diary about four weeks ago and there are still four excerpts which have not been reported to the Court by the Language

Section. I would like to have this done as quickly as possible. I spoke to both Major Moore and Mr. Carr, and for some reason or other they haven't been presented. I think it should be done because I want to find out just what the Court is going to do with respect to those and as far as the motion to dismiss is concerned.

THE PRESIDENT: Mention it to Major Moore this morning, and if you do not get any satisfaction bring it up in court.

MR. LOGAN: All right.

(Whereupon, at 0910 the proceeding was concluded.)

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